

REMARKS

Concurrently with a Request for Continued Examination (RCE), response is made to the office action of July 27, 2005. Claims 1, 2, 4 to 10, 12 to 18 and 20 to 35 are presented for examination, of which claims 1, 9, 17 and 25 to 29 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 35 were rejected under 35 U.S.C. §103(a) over PCT International Publication No. WO 00/04434 (Hoyle) in view of U.S. Patent No. 5,893,118 (Sonderegger). The rejections are respectfully traversed.

Initially, the subject matter of Claims 3, 11 and 19 has been added to Claims 1, 9 and 17, respectively, and Claims 3, 11 and 19 have been cancelled. In addition, independent Claim 25 has been amended to recite similar subject matter.

Independent Claim 1 recites a method for collecting information about a user. The method comprises the steps of:

- obtaining a set of one or more rules for collecting information by a first application residing on a client, wherein the set of rules is obtained in response to a request that includes an identifier associated with the client and information related to rules previously received by the client;

- utilizing the first application to monitor a second application on the client in communication with a network for information that satisfies one or more rules of the set of rules, wherein the second application is utilized by a user to access sites coupled to the network;

- collecting information that satisfies one or more rules of the set of rules from the second application utilizing the first application;

- storing at least a portion of the collected information on the client utilizing the first application;

- receiving content via the network for presentment by the first application based on the portion of the collected information stored on the client, wherein prior to receiving the content, a table at the client is accessed to determine whether at least a portion of the content is available locally to the client; and

- updating the set of one or more rules based on the collected information.

Independent Claims 9, 17, and 25 are system, computer program product, and means-plus-function claims, respectively, that correspond generally to the method of independent Claim 1.

The cited art is not seen to disclose or suggest the features of independent Claims 1, 9, 17 and 25, and in particular, is not seen to disclose or suggest at least the features of obtaining a set of one or more rules for collecting information by a first application residing on a client, utilizing the first application to monitor a second application on the client in communication with a network for information that satisfies one or more rules of the set of rules, collecting information that satisfies one or more rules of the set of rules from the second application utilizing the first application, and updating the set of one or more rules based on the collected information.

In this regard, the Office Action addressed these features in the rejection of now-cancelled dependent Claims 3, 11 and 19. In its rejection, the Office Action contends that “the disclosed system of Hoyle would obviously possess the capability of performing” these features. Applicants respectfully disagree.

To make a prima facie case of obviousness, the prior art reference(s) must “teach or suggest all the claim limitations” and “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.” See MPEP § 2142. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The Office Action has not pointed to, and Applicants are unaware of, any section of Hoyle that expressly teaches updating a set of one or more rules based on collected information. In addition, the contention that such a feature would have been obvious in view of Hoyle is seen to be based on Applicants disclosure and not on any teaching of Hoyle, and as such is impermissible hindsight. While Hoyle generally relates to targeted advertising based on demographics based upon demographics and user interaction, Hoyle is not seen in any way to teach or suggest updating the set of one or more rules, which are used for collecting information, based on the collected information.

As such, based on the foregoing, independent Claims 1, 9, 17 and 25 are believed to be allowable over the applied art. In addition, each of independent Claims 26 to 29 also recite the feature that the set of one or more rules is updated based on the collected information. As such, independent Claims 26 to 29 are also believed to be allowable. The remaining claims in the application are each dependent from one of the aforementioned independent claims and are also believed to be allowable.

CONCLUSION


In view of the foregoing, applicant respectfully submits that the application is in condition for allowance. Reconsideration pursuant to 37 CFR 1.112, withdrawal of the rejections, and allowance of the pending claims is earnestly solicited. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

By making the amendments herein, Applicant does not concede to a narrower claim scope than originally sought and reserves the right to prosecute different and/or broader claims in a continuation application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-3878.

Respectfully submitted,

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